

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

LAMON SANDEL DONNELL, #16879-078 §

VS. § CIVIL ACTION NO. 4:16cv370
CRIM NO. 4:10CR00065-006

UNITED STATES OF AMERICA §


ORDER OF DISMISSAL

Movant Lamon Sandel Donnell, a prisoner confined at F.C.I. Seagoville, proceeding *pro se*, filed the above-styled and numbered lawsuit in an effort to challenge his conviction. On April 25, 2013, Donnell was sentenced to 240 months of imprisonment for the offense of conspiracy to possess with intent to distribute 3, 4-Methylenedioxymethamphetamine (ecstasy), in violation of 21 U.S.C. § 846. The conviction was affirmed. *United States v. Donnell*, 557 F. App'x 335 (5th Cir. 2014). Donnell's claims are incoherent, but the lawsuit was construed as a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The case was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation concluding that the lawsuit should be dismissed. Donnell has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Donnell to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Donnell's objections lack merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the cause of action, construed as a motion to vacate, set aside or correct Donnell's sentence pursuant to 28 U.S.C. § 2255, is **DENIED** and the case is **DISMISSED** without prejudice. Fed. R. Civ. P. 41(b). A certificate of appealability is **DENIED**. All motions not previously ruled on are hereby **DENIED**.

SIGNED this 7th day of September, 2016.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE